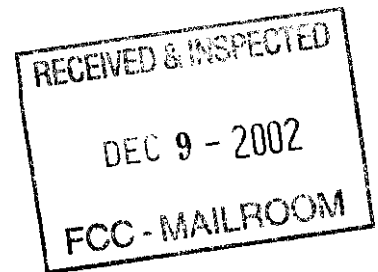


SCOTT W. REED, Attorney at Law/P.O. Box A/Coeur d'Alene, Idaho 83816/(208) 664-2161
FAX (208) 765-5117/E-mail: scottwreed@nidlink.com

December 3, 2002



MARLENE H. DORTCH, SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
PORTALS II, TW-A325
WASHINGTON, D.C. 20554

Re: WT Docket No. 02-179 Kootenai County
Coeur d'Alene Airport/Resort Aviation
Services, Inc., Resort Aviation Services, Inc.
Answers to Interrogatories

Dear Ms. Dortch:

Enclosed for filing are the answers referred above with six copies. I have not included the documents which were produced.

All of the answers together with all of the requested documents were served on counsel for by the Coeur d'Alene airport and on attorney Dana Leavitt on November 22, 2002.

Copies of the answers are faxed with a copy of this letter to Judge Arthur I. Steinberg.

Yours truly,

Scott W. Reed

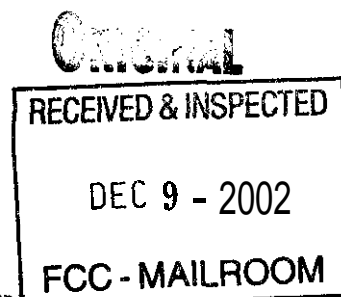
SWR:kgb

Enclosure

cc: John Cafferty
Arthur I. Steinberg
Dana Leavitt

No. of Copies rec'd
List A R O D E

Scott W. Reed, ISB #818
Attorney at Law
P. O. Box A
Coeur d'Alene, ID 83816
Phone (208) 664-2161
FAX (208) 765-5117



BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

In the Matter of Applications of)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES, INC.)	RESPONSE OF RESORT
)	AVIATION SERVICES, INC. TO
For Renewal of Aeronautical Advisory)	NOTICE FOR PROTECTIVE ORDER AND
Station WYT9, Coeur d'Alene Airport,)	OBJECTION TO THE TAKING OF THE
Hayden, Idaho)	DEPOSITION OF LARRY BOOHER
)	
and)	
)	
KOOTENAI COUNTY COEUR)	
D'ALENE AIRPORT)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

Resort Aviation Services, Inc. by and through undersigned counsel,
responds as directed by the Memorandum Opinion and Order of Administrative
Law Judge Arthur I. Steinberg to the Motion for Protective Order and Objection
to the taking of the deposition of Larry Booher as follows:

In the cover letter to its FCC application for a Unicorn license dated October 28, 2001, Greg Delavan, Coeur d'Alene Airport Manager, stated in part as follows:

We have several operators on the Airport who would like to apply for a Unicorn license. We would like to allow other qualified, airport based operators to have the ability to operate Unicorn under our License by Letter of Agreement with Kootenai County. This would allow the airport to assure proper training of operators to maintain the emphasis on aviation safety and to have some control over inappropriate use of the frequency. In addition, we would ask the FCC to deny the renewal and or application of all other Unicorn Licenses for the Coeur d'Alene Airport, Unicorn Frequency 122.80.

Neither the letter nor the application was sent to Resort Aviation Services, Inc. which did not learn of the same until almost two months later.

Interrogatories were served on Kootenai County Coeur d'Alene Airport on September 18, 2002.

Answers verified by Greg Delavan were received October 25, 2002.

Interrogatory No. 13 and the answer thereto was as follows:

INTERROGATORY NO. 13. Your letter of October 28, 2001, Exhibit 1, states in the fourth paragraph as follows:

We have several operators on the Airport who would like to apply for a Unicorn license. We would like to allow other qualified, airport based operators to have the ability to operate Unicorn under our License by Letter of Agreement with Kootenai County. This would allow the airport to assure proper training of operators to maintain the emphasis on

aviation safety and to have some control over inappropriate use of the frequency.

(a) Please identify every qualified airport based operator located at the Coeur d'Alene Airport which prior to October **28,2001** had expressed any interest in becoming a Unicom operator under a license issued to the Coeur d'Alene Airport.

(b) As to each operator who expressed interest, please provide the following information:

- (i) Name of the individual and of the company expressing interest.
- (ii) Date or dates when such interest was expressed.
- (iii) State whether the expression was oral or in writing.
- (iv) State substance of communication.

ANSWER TO INTERROGATORY NO. 13: Objection, Kootenai County does not know what Resort Aviation Services, Inc. means by "qualified airport-based operator." Without waiving said objection,

(a) Larry Booher of Heliprop/Southfield Fuel, and Hans Dyroy of Action Flying Services have expressed interest in becoming Unicom operators under a license issued to the Coeur d'Alene Airport.

(b) The following information is provided:

- (i) See (a) above.
- (ii) This has been an ongoing discussion with several operators on the Coeur d'Alene Airport, both before and after October **28,2001**. There was no specific time when this was the sole issue of discussion and, therefore, I am unable to give an exact date(s) when such interest was expressed. These discussions did not limit themselves to the operation of the Unicom per se, but also included discussions relating to operating on the

same frequency as the Unicom for a CTAF (Common Traffic Advisory Function) on Frequency 122.8.

(iii) The expression was oral.

(iv) Please see (ii) above.

Based upon the record in the last four years, the Coeur d'Alene Airport in general, and Greg Delavan and operations manager Phil Cummings have displaced a hostility to Resort Aviation Services, Inc. and a bias and favoritism toward Larry Booher and his companies Southfield Fuel, Inc. and HeliProp Aircraft, Inc.

That favoritism is set forth in part in the following excerpt from the Answer of Resort Aviation Services, Inc. to Interrogatory No. 17 from Kootenai Coeur d'Alene Airport:

INTERROGATORY NO. 17: Please state any and all reasons why you would be adverse to Kootenai County holding the present FCC Unicom and allowing Resort Aviation Services, Inc. to be a sub-licensee of Kootenai County.

ANSWERS TO INTERROGATORY NO. 17.

• • •

c. Favoritism towards Southfield and causes financial harm to Resort. (attached is my letter to Tom Taggart, dated 9/25/99). Scott Reed has a file on these occurrences, but those that stand out.

▪ Airport staff, particularly, Phil Cummings has escorted aircraft (after landing) directly to Southfield on several occasions. Note: Phil has never done this same courtesy for Resort, ever. This action is clearly favoritism and improper use of Airport (County employee) staff, unethical, and possibly illegal.

- 1999: Phil Cummings's memo to Greg Delavan, dated 11/17/99 (Airport's answer to our interrogatory and marked Exhibit F) in which he admits talking to the organizer of the Bonanza fly-in, and telling them that Southfield had better fuel prices and could provide transportation. Note: This organization had previously contacted Resort, received a discount on fuel price, which they accepted, plus had orders for rent-a-car on the arrival sheets and tie-down for the group.

(When the planes entered the traffic pattern, Mr. Cummings broke into the Unicom frequency and directed the (plane) to a location on the south end of the field, by Southfield. Ms. Garren heard Mr. Cummings redirecting aircraft away from Resort.

Ms. Garren called the Airport office, and Mary Hopkins stated that our Line Manager was informed that Monday they were going to park this group on the South end of the field. We were not aware of this change.

Is this proper, ethical, and legal role of a county employee?

Note: The fly-in was August, 1998 and Mr. Cummings memo to Mr. Delavan is dated 11/17/99, 1 year, 2 months later.

Note: The date of this memo (11/17/99) and Mr. Reed's letter to Mr. Taggart, dated 11/10/99, seven (7) days later.

- 1998: Casino Air had scheduled, and placed an order with Resort for fuel, ground handling, lavatory service and rent-a-car for their B-737. After notification to the Airport office and, a few days before the arrival date, Cheryl Moon, Manager of Service/Casino called Ms. Garren and asked who Phil Cummings is and why is he trying to get their business redirected to this Southfield fuel: He told her he had to check on Resort's de-icing fluid and make sure it was DEQ approved. And that he would get back to her. Ms. Moon stated that they could not land at Coeur d'Alene if we did not have de-icing capabilities, Company regulations. Ms. Garren faxed her the proper documents to verify that we were approved and could comply. Ms. Garren reported the call to this writer, and I called Ms. Moon back to determine what was happening, she reported to me

that a Phil Cummings from the Coeur d'Alene Airport had called her to state:

- A. Southfield had a lower fuel price.
- B. Resorts may or may not have legal under EPA standards, proper de-icing fluid, that he would check for her.
- C. Our people were not properly trained per Part 139 standards.

Note: Just 2 or 3 months prior, we received a complete inspection by the State Division of Environmental Quality for hazardous material storage and usage. That inspection included our 55 gallon drums of de-icing fluid in the original manufacturers container with stickers on each drum giving the material content and certifying that it met EPA standards. The Department of Health gave us a Certificate of full compliance and delivered one to the Airport office and to Phil Cummings. He had that certificate in his file at the time of his call to Casino.

The memo from Phil Cummings to Greg Delavan dated 11/17/99 making reference to better fuel prices at Southfield is attached.

The Notice of Depositions identified the following subject of examination of Larry Booher:

The subject matter upon which witness Larry Booher is to be examined shall include the nature of operations of Larry Booher, Southfield Fuel, Inc. and HeliProp Aircraft, Inc. on the Coeur d'Alene Airport, the relationship of said person and businesses with Coeur d'Alene Airport Manager Greg Delavan and other employees of Kootenai County at the airport, their knowledge, experience and competence with Unicom operations and their expectations toward becoming an authorized Unicom operator at the Coeur d'Alene Airport if the results of these proceedings so allow.

No objection was made by counsel for Kootenai County Coeur d'Alene Airport to the notice that the deposition would include inquiries as to the relationship of Larry Booher and his businesses with the Coeur d'Alene Airport Manager Greg Delavan.

The objection of Kootenai County Coeur d'Alene Airport is made to the duces tecum portion of the subpoena which directs Larry Booher to bring with him any documents indicating commercial transactions between Mr. Booher and his companies and Greg Delavan and his company.

If there has been no relationship, then there is nothing to produce and to examine about.

If there has been a business relationship between Greg Delavan, Airport Manager and Larry Booher and his companies, then the opposing party has every right to inquire as to the nature of that relationship and as to whether that relationship would be of a nature that would influence the airport manager in choosing who would be a chosen Unicom operator if the airport received Unicorn designation, In any other type of litigation the inquiry would be fair and permissible.

In the last 30 days, counsel for the parties have made inquiry of FCC attorney Dana Leavitt and have been advised that there can be only one Unicom

license issued at the present site. The choice will be between Resort Aviation Services, Inc. and Kootenai County Coeur d'Alene Airport.

Based on the available information supplemented by a joint telephone conference call with John Cafferty and Kim Klippinger with an FCC technical division, the only way to have more than one user would be with the installation of underground wire line control from the single transmitter to another user.

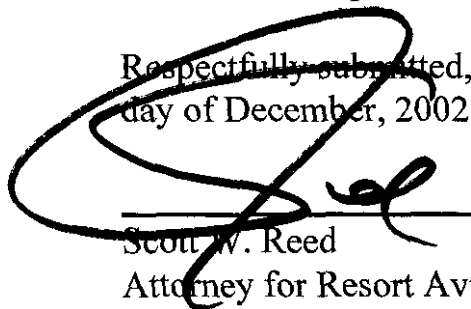
The October 25, 2001 cover letter indicated a willingness by the Airport Manager to allow other "qualified, airport based operators" to use the Unicorn. Given this record and the recent developments, it appears likely that the airport manager would select only Larry Booher.

Resort Aviation Services, Inc. believes that the matters identified in the subpoena are proper subjects for examination. However, if the Administrative Law Judge feels otherwise and that the objections of Kootenai County Coeur d'Alene Airport are well taken, then no documents will be sought and the inquiry will be limited entirely to the notice of deposition without any question concerning possible business relationships between Larry Booher and Greg Delavan.

Resort Aviation Services, Inc. would request that a date in December be set for the deposition for Larry Booher waiving the deposition deadline of December 6, 2002 for this one possible witness only.

The subject of the subpoena is addressed in a separate affidavit.

Respectfully submitted, this 4th
day of December, 2002.

A large, stylized handwritten signature in black ink, appearing to be 'S. Reed', is written over a horizontal line.

Scott W. Reed
Attorney for Resort Aviation
P. O. Box A
Coeur d'Alene, Idaho 83816
(208) 664-2161
Fax: (208) 765-5117
Services, Inc.

I hereby certify that a true and exact copy of the foregoing was sent by
fax on December 4, 2002 to:

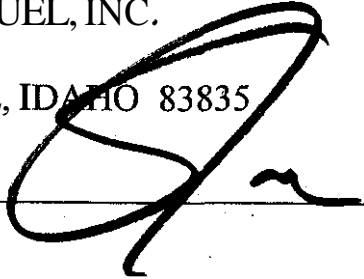
JOHN CAFFERTY, ESQ.
KOOTENAI COUNTY DEPT. OF
LEGAL SERVICES
P. O. BOX 9000
COEUR DALENE, IDAHO 83816-9000

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET S. W. - ROOM 3-B443
WASHINGTON, D. C. 20554
FAX (202) 418-2644

ADMINISTRATIVE LAW JUDGE
ARTHUR I. STEINBERG
FEDERAL COMMUNICATIONS
COMMISSION
445 12TH STREET, S.W., ROOM 1-C861
WASHINGTON, D.C. 20054
FAX (202) 418-0195

and mailed by first class mail, postage prepaid to:

LARRY BOOHER
SOUTHFIELD FUEL, INC.
P. O. BOX 281 1
HAYDEN LAKE, IDAHO 83835

A handwritten signature in black ink, appearing to be 'L. Booher', is written over a horizontal line. The signature is stylized with a large loop and a small flourish at the end.

Memo

To: Greg Delavan
From: Phil Cummings
Date: 11/17/99
R e Bonanza Fly In

The confusion over the Bonanza Fly-in in August 1998 at Coeur d'Alene Airport again shows lack of cooperation from Unicorn. The Airport office was contacted by Paul Bann of the Bonanza Association requesting information for group fly in at Coeur d'Alene Airport. I had informed him we had two FBO's, Resort Aviation and Heliprop Aviation.

He asked about a parking ramp to accommodate 30 to 40 aircraft and room enough to accommodate a day tent and greeting booth.

I had indicated to him if the construction of our new ramp was complete at that time it would be available if not Resort Aviation may have room and he should check with them.

Mr. Bann called me back some time in early May to check on the ramp construction. I indicated to him our target date was late July. He said that would be fine and he would move the Fly-in back to mid August to give us time to complete construction. I had asked Mr. Bann if he had made other arrangements such as fuel, hotel, transportation, etc.

I indicated that Heliprop had better fuel prices and the group would use them, I also indicated Heliprop offered to help with transportation.

He told me the location of the new ramp would be better for them and less interference for the other users of the Airport.

Mike Grazziani of Resort Aviation contacted me about mid or late May and I told him about Mr. Bann's tentative plan and I would let them know the dates when the fly in was finalized. I notified Mike at Resort Aviation with the dates in early June. The Airport office also contacted Resort Aviation the Monday of the fly in week. Aircraft would be arriving on Thursday and Friday and leaving on Sunday or Monday and they would be parking on the new southwest ramp the intersection of Taxiway D and F.

The Friday of the fly in some aircraft were landing and requesting information on Unicorn about the fly in parking, some were told by Unicorn they didn't have any idea where the fly in was, some were told parking was at Resort Aviation. Mr. Bann voiced his displeasure with Unicorn. so I went to Resort Aviation again and was told no one told them about the fly in.